

REMARKS

Claims 1-3, 5, 7, 8 and 10-18, 20, and 23-28 are currently pending in the subject application, and are presently under consideration. Claims 1, 18 and 20 have been amended herein to recite features of claims 4, 6, 21 and 22, which have been canceled herein. Claim 19 has also been canceled herein. Applicant acknowledges with appreciation the Examiner considering claims 14-17 to be allowable. Furthermore, applicant wishes to thank the Examiner for the courtesies extended at the telephone interview on October 8, 1998. Although no firm agreement was reached at the interview, applicant appreciates the Examiner agreeing to consider the herein amendments.

I. Rejection of Claims 1-8, 10-13 and 18-28 Under 35 U.S.C. §102(b)

Claims 1-8, 10-13 and 18-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith, III *et al.* (U.S. 4,359,222) and/or Loizeaux (U.S. 4,993,004). As discussed at the telephone interview, neither of these references discloses or suggests a thumb wheel having a wheel portion which is transaxially moveable and wherein transaxial movement of the wheel portion provides for selecting at least one function executable by the hand held mobile device. Prior to the herein amendment, this feature of the present invention was recited in claims 4, 6, 21 and 22, respectively. Independent claims 1, 18 and 20 have been amended to herein to recite this feature. Since this aspect of the present invention was already recited in the dependent claims and considered by the Examiner no further search by the Examiner should be necessary. Accordingly, consideration of the present amendments should not result in any substantial amount of new effort by the Examiner.

The transaxial movement of the wheel portion of the present invention facilitates a user to hold the mobile device with a single hand and interact with the device (*e.g.*, highlighting and selecting functions) with the same hand. Neither Smith, III *et al.* nor Loizeaux disclose or suggest this feature of applicant's invention as now recited in

independent claims 1, 18 and 20. Therefore, it is believed these references do not anticipate these claims or the claims which depend therefrom.

Furthermore, the unamended dependent claims recite additional features not found in Smith, III *et al.* or Loizeaux. For example, neither of these references disclose a plurality of menus selectable by a user *via* the thumb wheel as recited in claim 7.

Regarding claim 11, neither reference discloses producing a tone among a plurality of producible tones corresponding to a particular movement of the wheel portion; nor does either reference disclose varying the tone in pitch according to particular movement of the wheel portion as recited in claim 12.

Neither references discloses nor suggests changing the contrast of a screen display *via* the thumb wheel as recited in claim 13.

With respect to claims 24-28 neither Smith, III *et al.* nor Loizeaux discloses movement of the thumb wheel to effect highlighting of a function displayed on the screen; perform operations associated with the highlighted function; effect scrolling among the plurality of functions; and producing an audible tone each time the cursor moves on the screen as respectively recited in these claims.

In view of the above, it is respectfully submitted that this rejection be withdrawn because neither Smith, III *et al.* nor Loizeaux anticipates the present invention as recited in claims 1-3, 5, 7, 8, 10-13, 18, 20, 22, and 23-28.

II. Conclusion

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, P.L.L.



Himanshu S. Amin
Reg. No. 40,894

1621 Euclid Avenue, 19th Floor

Cleveland, Ohio 44115-2191

Telephone (216) 621-1113

Facsimile (216) 621-6165

G:\DOCUMENT\HAM\TELXON\P120US\response3.wpd